

JOHNNIE WOLUEWICH, ESQ.

Attorney and Counselor at Law

**984 MORRIS PARK AVENUE
BRONX, NEW YORK 10462
TELEPHONE: (212) 335-0696
FAX: (212) 202-5018
EMAIL: JWOLUEWICH@GMAIL.COM**

December 9, 2021

Honorable Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square (Room 2103)
New York, New York 10007

MEMO ENDORSED

Filed Via ECF & Email (Failla_NYSDChambers@nysd.uscourts.gov)

**RE: KYLE JOHNSON
21 CR 256 (KPF)**

Dear Judge Failla:

Please allow the instant correspondence to serve as Defendant, Kyle Johnson's, Fourth letter motion in request of an adjournment. Mr. Johnson's next conference with this Honorable Court is scheduled for December 10, 2021, at 11:00am.

This morning, I traveled to the Essex County Jail to meet with Mr. Johnson. More specifically, Mr. Johnson and I had planned to discuss his final thoughts, questions, concerns, and decision regarding the possible resolution of this action. Unfortunately, upon my arrival at the facility, I discovered that visitation has been suspended for the day. As such, I was unable to meet with my client.

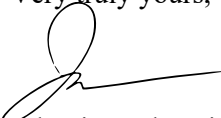
In light of the foregoing, as well as in the interest of my continued efforts to resolve this matter, I am respectfully requesting an adjournment of the aforementioned conference. I have spoken with AUSA Swergold and he consents to my request on the condition that I agree to exclude time through the next conference date – which, I do.

In furtherance of my request, and in consideration of the fact that I need to travel to New Jersey again to meet with Mr. Johnson, I respectfully suggest the following dates for the conference.

12/21, 12/22, 12/23, 12/30, 1/3, 1/6, & 1/7

I thank Your Honor in advance and apologize for any inconvenience.

Very truly yours,


Johnnie Woluewich, Esq

cc: AUSA Jason Swergold

Application GRANTED. The conference scheduled for December 10, 2021, is hereby ADJOURNED to December 21, 2021, at 4:00 p.m. This conference will proceed via videoconference, with access instructions to be distributed in advance of the conference.

It is further ORDERED that time is excluded under the Speedy Trial Act between December 10, 2021 and December 21, 2021. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the defendant in a speedy trial because it will permit defense counsel to continue to review discovery and to consider a pre-trial disposition.

The Clerk of Court is directed to terminate the pending motion at docket entry 30.

Date: December 9, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE